

Minutes of the meeting of Cabinet held at Leominster Library, 8 Buttercross, Leominster HR6 8BN on Wednesday 27 November 2019 at 6.00 pm

Present: Councillor David Hitchiner, Leader of the Council (Chairperson)
Councillor Felicity Norman, Deputy Leader of the Council (Vice-Chairperson)

Councillors Pauline Crockett, Gemma Davies, John Harrington, Liz Harvey and Trish Marsh

Cabinet support members in attendance Councillors John Hardwick, Peter Jinman and Alan Seldon

Group leaders in attendance Councillor Jonathan Lester

Scrutiny chairpersons in attendance Councillor Jonathan Lester

Other councillors in attendance: Councillor John Stone

Officers in attendance: Chief Executive, Director for Economy and Place, Director for Children and Families, Chief Finance Officer, Director for Adults and Communities and Head of Corporate Governance

101. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Ange Tyler.

102. DECLARATIONS OF INTEREST

None.

103. MINUTES

Resolved: That the minutes of the meeting held on 24 October 2019 be approved as a correct record and signed by the Chairman.

104. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 6)

Questions received and responses given are attached as appendix 1 to the minutes.

105. QUESTIONS FROM COUNCILLORS (Pages 7 - 8)

Questions received and responses given are attached as appendix 2 to the minutes.

106. QUARTER 2 2019/20 CORPORATE BUDGET AND PERFORMANCE REPORT

The cabinet member finance and corporate services introduced the item and highlighted key points of the report.

Cabinet members discussed the report and noted that:

- The Understanding Herefordshire website was a really good resource;
- Delays to expenditure of capital resulted in lower levels of debt to service which released funds in the in-year revenue budget, while there were benefits to this it was important that capital projects were progressed to deliver the key investments needed in the county;

- The overspend in children and families related to costs for Looked After Children and care leavers and work was taking place to minimise costs while continuing to fulfil the council's responsibilities, examples included exploring the use of alternative ways for children to be cared for, considering how best to deploy experienced social workers, investing in local accommodation to reduce the cost of placements and in work to strengthen families to reduce the numbers of children needing to be taken into care.

Group Leaders were invited to express the views of their group. It was noted that:

- The projected overspend was a relatively small amount in the context of the overall budget and represented good financial management;
- Achievement of an underspend in the adults and communities directorate was a significant step, particularly when compared to other councils;
- Persistent challenges in the children and families directorate such as the high number of Looked After Children and levels of dental decay might need radical approaches;
- Consistent good management of the high needs block had made the position stronger than it could have been;
- Cabinet members were urged to take decisions on the future of the various transport packages as soon as possible.

It was resolved that:

Cabinet reviewed performance and financial outturn for quarter 2 2019/20, as set out in appendices A - H, and did not identify any additional actions to be considered to achieve future improvement.

107. HEREFORDSHIRE'S BETTER CARE FUND (BCF) AND INTEGRATION PLAN 2019-20 AND SECTION 75 AGREEMENT

The cabinet member health and adult wellbeing introduced the item.

The head of partnerships and integration highlighted key points of the report. It was noted that the better care fund was a national mandated programme and many of the services included within the fund were standard activities for the council and its health partners.

In discussing the item cabinet members noted that:

- The rate of delayed transfers of care had seen a huge improvement and investment was continuing to sustain and further improve this figure;
- The merger of the Herefordshire and Worcestershire clinical commissioning groups was expected in April 2020, it was hoped that the established relationships with local providers and partners would support continued good practice during this transition;
- As most of the work included would be seen as 'business as usual' the budget would be monitored through the usual directorate processes and reported to cabinet through quarterly budget and performance reports;
- Allocation of resources within the fund was clearly defined and ring fenced;
- It was important that the council continued to work with medical services to improve the health and wellbeing of residents and the portfolio holder would be monitoring progress.

Group leaders were invited to express the views of their group. It was noted that:

- The reduction in rates of delayed transfers of care was encouraging;
- The impact of the transitional situation with the clinical commissioning group would need to be monitored.

It was resolved that:

- (a) the council's contribution to the better care fund of £31.5m revenue and £2m capital for 2019/20 be approved;**
- (b) approval be given for the council to enter into a section 75 agreement with Herefordshire clinical commissioning group (CCG) for up to 5 years, (1 April 2020 to 31 March 2025); and**
- (c) the director for adults and communities and the director for childrens and families be authorised, following consultation with the solicitor to the council and s151 officer, to take all operational decisions necessary to approve the scheme level detail within the budget approved by Cabinet in the s75 agreement on an annual basis to 31 March 2025.**

108. HEREFORDSHIRE AND WORCESTERSHIRE LIVING WELL WITH DEMENTIA STRATEGY

The cabinet member health and adult wellbeing introduced the item.

The assistant director all ages commissioning highlighted some key points in the report and by way of example of the work being carried out talked about a tea dance held in September for people with dementia and their families which had been supported by donations from businesses and the community. The work of the Leominster Meeting Centre in supporting people with dementia was praised as an example of good practice which the council would like to see replicated elsewhere in the county.

In discussion of the report, cabinet members noted that:

- Herefordshire's rate of diagnosis was lower than the national aspiration and improving this figure was one of the core aims of the strategy;
- The council was working with partners to promote the use of the ReSPECT tool to encourage residents to actively set out their wishes for their care and treatment in the event that they become infirm, this would include promoting lasting power of attorney for health and wellbeing as well as for finances;
- The strategy sought to improve knowledge and awareness of dementia as an illness and to combat common myths, for example that a diagnosis of dementia would automatically result in the person's driving licence being removed;
- The strategy had a simple monitoring tool to judge its effectiveness.

Group leaders supported the strategy and noted the challenges of disseminating information to and raising awareness of the wider public, particularly in a rural county.

It was resolved that:

Cabinet reviewed and approved the Herefordshire and Worcestershire Living Well with Dementia Strategy 2019-2024 (at appendix 1) the content and recommendations of which were supported by the Health and Wellbeing Board on 14 October 2019.

109. TO APPROVE A REVISED BUSINESS CASE AND BUDGET FOR THE EXPANSION OF MARLBROOK PRIMARY SCHOOL WITHIN THE APPROVED CAPITAL ALLOCATION

The cabinet member commissioning, procurement and assets introduced the item. She highlighted that Marlbrook Primary School had been rated as Outstanding by Ofsted and was also a teaching school. The need to invest in schools was recognised.

The assistant director education development and skills and the interim education and capital manager attended to provide technical advice on the report.

The assistant director education development and skills spoke on the need to provide additional school places in this part of Hereford in response to demographic growth. The school were currently using temporary accommodation and it was proposed that this would be replaced as part of the scheme to deliver 6 new classrooms and ancillary space. The council had previously approved an allocation in the capital programme. The total cost of the project was still within that allocation but as changes had been made to the specification, the item had been brought back to the cabinet for review and approval to draw down the full amount allocated.

In discussion of the item cabinet members noted that:

- The school had a travel plan in place and the proposed revisions to the access arrangements would further encourage walking and cycling;
- The school offered extensive opportunities for adult learning and a breakfast club, both of which would continue in the expanded accommodation;
- This important project had been in development for some time and would build on a highly valued school which served an area of deprivation;
- Audit recommendations from past capital projects were being followed and this was part of the reason why the project had been brought back for further approval following changes to the specification and costs, even though the overall cost was still within the sum allocated in the capital programme;
- The cost plan had been scrutinised by external independent cost consultants and their report had been included as an appendix to the report;
- The costs included some contingency funds which might not be required;
- Moving forward there would be an emphasis on controlling costs and ensuring the project delivered on time and to a standard of design and construction that met the reasonable expectations set out in Department for Education guidelines;
- The project board had representation from various teams across the council, including the Section 151 officer as required, to provide technical advice and oversight;
- It was unlikely that there would be further expansion on this site due to lack of space, population forecasts suggested that the primary school population was levelling off with higher numbers now moving into secondary schools.

Group leaders expressed support for the project and in investing in good schools generally.

It was resolved that:

- a) the revised business case for the expansion of Marlbrook Primary School at Appendix 1 be approved;**
- b) a revised scheme cost of up to £6,141m be approved (being an additional £1.006m to the previously approved cost); and**
- c) the director for children and families be authorised to take all operational decision necessary to implement the above recommendations within the agreed budget.**

The meeting ended at 7.27 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 27 November**Question 1****Ms V Stinchcombe, Dulas****To: cabinet member, children and families**

In light of the climate emergency declared by Herefordshire council (and thank you for declaring that) I'd like to ask how schools and young people are being prepared and supported, both in terms of clear and honest information and an emphasis on the skills they will need as things get progressively worse. We can't allow them to face this crisis uninformed and unprepared.

Response

Thank you for your question linked to our declaration of a climate emergency and your concerns about how young people and schools are being supported to get accurate and helpful information on this complex and significant challenge we all face.

As you are aware, schools do follow a relatively set curriculum which we have limited influence over. Academies have more flexibility over the content than do maintained schools but all have some control over how it is taught. In addition, over recent years the council has reduced its activities within schools for a number of reasons – with financial constraints being a major lever but also a move towards a school led system. However, Herefordshire Council currently has a number of excellent projects in which schools participate. These include our Active Travel programme, including “Bikeability”, which aims at moving people (including young people at schools) away from fossil fuel forms of transport to more environmentally friendly and healthier options, such as walking and cycling. In addition, there is also an opportunity for schools to engage with renewable energy projects through the Marches Renewable Energy programme, which would enable schools to consider how to reduce their climate impact through the use of renewables. Furthermore, we are currently revising our carbon management plan (due to achieving our 2020/21 target two years early) and also to keep in line with our new ambition of being carbon neutral by 2030/31. As part of our work to reduce council emissions, we will also look at ways in which we can show leadership across the county and this will include aspects such as considering young persons engagement within our aim to include Herefordshire resident, businesses and schools in community engagement for a countywide carbon emissions reduction strategy too.

Finally, we have a corporate aim to ensure our young people have easy access to clear, honest and accurate information. This is a significant issue and one which the council is taking very seriously indeed. It will take time for plans, actions and changes to see evidential impact but it is a challenge which we intend to address courageously so we can look forward to future where climate breakdown is not on their list of worries.

Question 2**Mr D Hall, Leominster****To: cabinet member, infrastructure and transport**

Being in your role for over six months now, you will note in the last number of weeks and months, the increasing continued breakdowns and incidents/RTCs across the county, not least on the 'new bridge' in Hereford, particularly at peak times, which effectively brings Hereford to a complete standstill, increasing pollution and congestion.

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Therefore, how long can this administration continue to prolong a by-pass, when you will categorically realise that without one, Herefordshire cannot prosper socially, economically and environmentally and will encounter continued underfunded investment and jobs being diverted elsewhere whilst Herefordshire will be doomed to the 'dark ages'.

Response

We are committed to supporting the economy of the county and protecting the environment. All decisions we take must be compatible with the climate emergency, carbon reduction and emerging policy. We believe that there are other options that could deliver transport and growth objectives in Herefordshire and these should be considered. This is why I have taken the decision to review the bypass scheme which was developed as part of the Hereford Transport Package.

I feel you are making an assumption that the only way we can combat congestion is by building more roads, I don't agree that building roads is the only way to do that. I do believe a second bridge crossing is a strategic necessity but as important is getting a high percentage of people who live in the City to travel a different way – by foot, by safe cycling, by electric bus. I am also examining the potential of removing traffic lights to improve traffic flow through the city. This all requires investment and planning to enable people to have the opportunity to choose to travel a different way. Motorways and bypasses are as congested at many times as Greyfriars bridge.

I recognise the importance of keeping traffic moving and the Council and our delivery partner Balfour Beatty Living Places works very closely with the emergency services to respond to incidents as quickly as possible. I am also in discussion with Highways England (which is responsible for the A49 through Hereford) to explore what more they can do to ensure that they clear incidents quickly and ensure traffic flows smoothly which may include recovery service.

COUNCILLOR QUESTIONS TO CABINET – 27 November**Question 1****Councillor Paul Symonds, Ross East Ward****To: leader of the council**

Could the Leader please provide a progress report on implementation of Community Infrastructure Levy, adoption of which was agreed in principle in July 2019, including confirmation that CIL can be implemented by 1st January 2021 and details of key decision dates necessary to achieve this?

Response

At its July meeting, Council resolved to ask the executive to investigate the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than January 2021. The executive has yet to formally determine its response but, as reported to Council in October, the core strategy review is underway with initial work focussed on reviewing existing plan documents against the revised national planning policy framework and the identification of evidence requirements. This work will inform a decision early in the New Year as to the detailed scope and timetable for the core strategy review will encompass a response to the resolution.

Question 2**Councillor Nigel Shaw, Bromyard Bringsty Ward****To: leader of the council**

Following disclosure under a Freedom of Information Act request I have discovered that the grant provided by the LEP via Shropshire Council (SC) for the SWTP has fourteen grant clawback terms including, "If in the reasonable opinion of (SC) progress towards delivery and completion of the Project is unsatisfactory." Following the LEP decision at their emergency board meeting on November 7th to refuse the Authority's request to amend the delivery profile and contrary to his comments published by the Hereford Times on October 17th will the Leader now admit that the grant has clawback criteria and that the £3.8m already received is at risk and should be identified as such in the corporate risk register and earmarked reserves following the requirements of the Code of Practice on Local Authority Accounting, SeRCOP and the Prudential Code?

Response

I am aware that the funding agreement for the SWTP includes the provisions identified. The Monitoring Officer has advised that the current construction pause in relation to the Southern Link Road does not constitute a trigger for claw back of the grant monies. The grant so far totalling £3.8m paid by the LEP, was paid to the council, in arrears for the stages of the scheme certified as allowable and defrayed expenditure in accordance with the grant conditions. The Council has not received any request from the LEP for the repayment of this grant. If the grant is deemed to be repayable, then the council would need to consider all of the funding options open to it to revise the funding of the South Wye Transport Package. These options could include the use of revenue budgets or reserves as well as alternative sources of capital funding.

There is a project risk register in place for this project. As risks are identified they are recorded and quantified and monitored regularly. The possible loss of funding for this scheme from the Marches LEP is identified as a risk in the project register and was considered in the recent

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Cabinet Member decision on the Hereford Transport Package and South Wye Transport Package taken on the 22nd October 2019. The SWTP is also identified within the current Corporate Risk Register under the Economy and Place Directorate, reported to the Audit and Governance Committee on 19th November 2019, identifies that discussions are ongoing with funders and the risk will be updated as these discussions progress in accordance with the Council's Performance, Risk and Opportunity Management Framework.